

STATE OF MICHIGAN
COURT OF APPEALS

CAPITOL CITY LODGE NO. 141 OF THE
FRATERNAL ORDER OF POLICE and LARRY
HARRISON,

UNPUBLISHED
November 7, 2006

Plaintiffs-Appellees,

v

INGHAM COUNTY BOARD OF
COMMISSIONERS and INGHAM COUNTY
SHERIFF,

No. 272202
Ingham Circuit Court
LC No. 06-000759-CL

Defendants-Appellants.

Before: Fort Hood, P.J., and Murray and Donofrio, JJ.

MEMORANDUM.

Defendants Ingham County Board of Commissioners and Ingham County Sheriff appeal as of right from the Ingham Circuit Court's July 18, 2006 order that granted injunctive relief to plaintiffs Capitol City Lodge No. 141, Fraternal Order of Police, and Sergeant Larry Harrison, enjoining defendants from transferring Sgt. Harrison to the night shift temporarily. We dismiss the appeal as moot. This matter is being decided without oral argument pursuant to MCR 7.214(E).

Sgt. Harrison is employed by the Ingham County Sheriff's Department and assigned to field services on the day shift. His employment is subject to a collective bargaining agreement. In early June 2006, the sheriff informed Sgt. Harrison that he would be transferred to the night shift temporarily for a four-month period, June 26 through October 27, 2006.

"Mootness precludes the adjudication of a claim where the actual controversy no longer exists, such as where 'the issues presented are no longer "live" or the parties lack a legally cognizable interest in the outcome.'" *Michigan Chiropractic Council v Comm'r of Insurance*, 475 Mich 363, 370-371 n 15; 716 NW2d 561 (2006) (opinion of Young, J), quoting *Los Angeles Co v Davis*, 440 US 625, 631; 99 S Ct 1379; 59 L Ed 2d 642 (1979) (internal citations omitted). See also *Federated Publications, Inc v City of Lansing*, 467 Mich 98, 112-113; 649 NW2d 383 (2002). Justiciability doctrines, such as mootness, "are constitutionally derived and jurisdictional in nature, because failure to satisfy their elements implicates the court's constitutional authority to exercise only 'judicial power' and adjudicate only actual cases or controversies." *Michigan*

Chiropractic Council, supra at 372. Furthermore, because these doctrines are “jurisdictional in nature, they may be raised at any time and may not be waived by the parties.” *Id.*

In this case, because the temporary shift change only extended to October 27, 2006, and we are called upon to review only the injunctive relief granted by the circuit court, we must conclude that this appeal is now moot. While we recognize that an exception to the general rule of mootness exists where the issue is one of public significance and capable of repetition yet evading judicial review, we find no exceptional circumstances in this case requiring us to render a decision on the merits. See *City of Los Angeles v Lyons*, 461 US 95, 109; 103 S Ct 1660; 75 L Ed 2d 675 (1983); *Weinstein v Bradford*, 423 US 147, 149; 96 S Ct 347; 46 L Ed 2d 350 (1975).

We dismiss this appeal as moot.

/s/ Karen M. Fort Hood
/s/ Christopher M. Murray
/s/ Pat M. Donofrio